

RILEY A. CLAYTON
Nevada Bar No. 005260
rclayton@lawhjc.com

HALL JAFFE & CLAYTON, LLP
7425 PEAK DRIVE
LAS VEGAS, NEVADA 89128
(702) 316-4111
FAX (702)316-4114

Attorney for Defendant,
State Farm Mutual Automobile Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DUSTIN RAINS,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; DOES I through X,
inclusive, and ROE CORPORATIONS I through
X, inclusive,

Defendants.

CASE NO.: 2:17-cv-00358-GMN-PAL

**STIPULATION AND ORDER FOR
REMAND TO STATE COURT AND CAP
ON POTENTIAL DAMAGES/EXPOSURE**

Plaintiff, Dustin Rains (“Mr. Rains”), and Defendant, State Farm Mutual Automobile Insurance Company (“State Farm”), by and through their respect counsel of record (hereinafter referred to as the “Parties”), hereby stipulate and agree as follows, and intend for this agreement to serve as an Order governing the further prosecution and handling of this lawsuit:

1. On December 28, 2016, Mr. Rains filed a lawsuit in the Eighth Judicial District Court of the State of Nevada in and for the County of Clark, styled *Dustin Rains, Plaintiff, vs. State Farm Mutual Automobile Insurance Company, et al., Defendants*, Case No. A-16-748787-C (“Lawsuit”).

2. On February 6, 2017, State Farm filed a Notice of Removal of the Lawsuit pursuant to 28 U.S.C. §§ 1332 and 1441 with the United States District Court for the District of Nevada.

3. The Parties have reached an agreement wherein State Farm will agree to have this Lawsuit remanded to the Eighth Judicial District Court, County of Clark, State of Nevada, in exchange

1 for Mr. Rains' agreement to cap/limit all damages that it may ever potentially obtain against State Farm
2 to \$75,000.

3 4. The Parties agree and understand that this cap/limit on any potential damages against
4 State Farm relates to any and all damages potentially awarded against State Farm through this Lawsuit,
5 whether the recovery be contractual, extra-contractual, expectation damages, compensatory damages,
6 incidental damages, consequential damages, punitive damages, attorneys fees, costs, and/or interest,
7 and/or under any other legal theory, type of recovery, judgment or award. In other words, any award,
8 recovery, and/or judgment that Mr. Rains may ever obtain against State Farm as a result of this Lawsuit
9 cannot exceed \$75,000, and if any award, recovery and/or judgment exceeds that amount, the same will
10 automatically be reduced to \$75,000 by operation of this stipulation and order.

11 5. The Parties further stipulate and agree that each party shall bear its own attorneys' fees
12 and costs with respect to the removal and remand of the Lawsuit.

13 6. Once the stipulation is signed and filed in the U.S. District Court, District of Nevada, the
14 lawsuit will then be remanded and return to the Clark County, Nevada, Eighth Judicial District Court,
15 and will be reinstated under the same case number (A-16-748787-C) and assigned to the same judicial
16 department, Department IV, as it was prior to the removal of the case to this Court.

17
18
19
20 ///

21
22
23 ///

24
25
26 ///

7. Plaintiff reserves the right, once this case is remanded to state court, to petition the court to have the Lawsuit exempted from the Eighth Judicial District Court's mandatory arbitration program, if necessary.

DATED this 9th day of February, 2017.

THE702FIRM

By /s/ Joel S. Hengstler, Esq.
Joel S. Hengstler, Esq.
Nevada Bar No. 11597
400 S. 7th Street, #400
Las Vegas, NV 89101
Attorney for Plaintiff

DATED this 9th day of February, 2017.

HALL JAFFE & CLAYTON, LLP

By /s/ Riley A. Clayton, Esq.
Riley A. Clayton, Esq.
Nevada Bar No. 005260
7425 Peak Drive
Las Vegas, NV 89128
Attorney for Defendant

ORDER

IT IS HEREBY ORDERED that this Stipulation to Remand, (ECF No. 6), is **GRANTED** and this case is hereby remanded to the Eighth Judicial District Court. The Clerk of Court shall remand this case back to state court and thereafter close this Court's case.

Dated this 13 day of February, 2017.



Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT